

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

v.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

Plaintiff,

v.

Ingersoll-Rand Company,

Defendant.

CASE NO. 6:13-cv-108 MHS

CONSOLIDATED CASE

Jury Trial Demanded

**Declaration of Randall Garteiser in Support of Plaintiff Blue Spike
LLC's Opposition to Defendant Ingersoll-Rand Company's Motion to
Dismiss**

I, Randall Garteiser, declare as follows:

1. I, Randall T. Garteiser, am a partner in the law firm of Garteiser Honea, P.C. We represent Plaintiff Blue Spike LLC in this lawsuit. I have personal knowledge of the information contained in this declaration and can testify to the truth of these statements.

2. Attached hereto as Exhibit 1 is a true and correct copy of a Report and Recommendation of United States Magistrate Judge Love signed July 27, 2012 in *Patent Harbor, LLC v. Dreamworks Animation SKG, Inc., et al.* in Case No. 6:11-cv-00229.

3. Attached hereto as Exhibit 2 is a true and correct copy of the “Biometrics” page on the Ingersoll Rand website under the “Our Products” section accessed on April 26, 2013.

4. Attached hereto as Exhibit 3 is a true and correct copy of a document titled “HandPunch 2000: Biometric Time & Attendance Terminal” published by Ingersoll Rand that lists the features of the HandPunch 2000 product.

5. Attached hereto as Exhibit 4 is a true and correct copy of a document titled “HandPunch 4000: Biometric Time & Attendance Terminal” published by Ingersoll Rand that lists the features of their HandPunch 4000 product.

6. Attached hereto as Exhibit 5 is a true and correct copy of the “Biometrics: Products” page on the Ingersoll Rand website under the “Our Products” section accessed on April 26, 2013.

7. Attached hereto as Exhibit 6 is a true and correct copy of *Touchscreen Gestures LLC v. Research in Motion Ltd.*, Case No. 6:12-263-MHS, Dkt.22, Order on Motion to Dismiss at 3-4 (E.D. Tex. Mar. 27, 2013).

I declare on April 26, 2013, in Marin County under penalty of perjury under the laws of the United States that the statements made in this declaration are true and correct.

/s/ Randall Garteiser
Randall Garteiser